

Appl. No. : 10/618,900
Filed : July 14, 2003

REMARKS

Applicant appreciated the Examiner's granting the telephone interview after the Advisory Action.

Claim 1 has been amended to clarify the invention. No new matter has been added. The amendments and the following arguments are consistent with the interview. Applicant respectfully requests entry of the amendments and reconsideration of the application.

Rejection of Claims 1-7, 9-11, and 22-24 Under 35 U.S.C. § 103

Claims 1-7, 9-11, and 22-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,447,568 (Hayakawa) and US 5,785,796 (Lee) in view of US 5,953,634 (Kajita). Claim 1 is independent and has been amended to clarify the invention.

Claim 1 as amended herein recites "said vaporization surface having pores distributed exclusively at its outer periphery."

In Hayakawa's gas rectifying plate, "the through-holes are made to have a size distribution so that the conductance at the outskirts where the flow velocity decreases can be increased." Col. 12, lines 18-21. Further, Figures 11, 12, and 14 of Hayakawa show that the through-holes are distributed substantially evenly for the purpose of gas rectification. Hayakawa teaches away from distributing pores exclusively at an outer periphery of the vaporization surface. Kajita or Lee does not teach or suggest the vaporization surface having pores distributed exclusively at its outer periphery.

Thus, not all of the limitations of claim 1 are taught by Hayakawa, Lee, and Kajita, and accordingly, claim 1 cannot be *prima facie* obvious over Hayakawa, Lee, and Kajita, alone or combined. At least for this reason, the remaining dependent claims also cannot be *prima facie* obvious over the above references. Applicant respectfully requests withdrawal of this rejection.

Rejection of Claim 8 Under 35 U.S.C. § 103

Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayakawa, Lee, Kajita, in view of Strang (US 20040129217). Claim 8 depends from claim 1. Like Hayakawa, Lee, and Kajita, Strang does not teach or suggest the feature discussed above. Thus, claim 1 and

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dependent claim 8 cannot be obvious over the above references. Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: February 16, 2007

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